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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS TX 75201-2980

In re Application of
David D. Griner, et al.
Application No. 10/624,077
Filed: July 21, 2003
For: **SYSTEM AND METHOD OF CREATING
DIGITAL RECORDINGS OF LIVE
PERFORMANCES**

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition filed May 21, 2004 under 37 CFR §1.102(d), supplemented on June 18, 2004, and supplemented again on August 18, 2004, to make the application special.

A grantable petition under 37 CFR §1.102(d) and MPEP §708.02, section II (Infringement), must be accompanied by the required fee and a statement alleging:

- (1) that there is an infringing device or product actually on the market or method in use;
- (2) that a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and
- (3) that he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.

The petitioner has satisfied all the above-listed requirements. Accordingly, the petition is **GRANTED**.

It is noted that the subject application has been allowed and is currently in the issuance process.


Dwayne D. Bost
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4778